

REMARKS

This Amendment After Final Rejection is submitted in response to the outstanding final Office Action, dated April 22, 2005, and is accompanied by a Request for Continued Examination. Claims 1 through 22 are presently pending in the above-identified patent application.

5 In this response, applicants propose to amend claims 1, 13, and 21. No additional fee is due.

This amendment is submitted pursuant to 37 CFR §1.116 and should be entered. The Amendment places all of the pending claims, i.e., claims 1 through 22, in a form that is believed allowable, and, in any event, in a better form for appeal. It is believed that examination of the pending claims as amended, which are consistent with the previous record herein, will not place any
10 substantial burden on the Examiner. In any case, Applicants are submitting a request for continued examination herewith.

In the Office Action, the Examiner rejected claims 1, 3, 13, 15, and 21 under 35 U.S.C. §103(a) as being unpatentable over Braddy (United States Patent Number 6,304,967) in view of Yoakum et al. (United States Patent Number 6,421,674), rejected claims 2, 4, 5, 14, and 16 under
15 35 U.S.C. §103(a) as being unpatentable over Braddy and Yoakum in further view of Gampper et al. (United States Patent Number 6,442,601), rejected claim 6 under 35 U.S.C. §103(a) as being unpatentable over Braddy and Yoakum in further view of Smith (United States Patent Number 6,341,311), rejected claims 7-11, 17, 18, (19), 20, and 22 under 35 U.S.C. §103(a) as being unpatentable over Sharma et al. (United States Patent Number 6,182,109) in view of Jordan (United
20 States Patent Number 6,438,652), and rejected claim 12 under 35 U.S.C. §103(a) as being unpatentable over Sharma and Jordan in further view of Smith (United States Patent Number 6,341,311).

Independent Claims 1, 7, 13, 17, 21 and 22

Independent claims 1, 13, and 21 were rejected under 35 U.S.C. §103(a) as being
25 unpatentable over Braddy in view of Yoakum et al., and claims 7, 17, and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sharma et al. in view of Jordan.

Regarding claims 1, 13, and 21, the Examiner asserts that Braddy discloses redirecting said web resource request to a server associated with said file type (col. 15, line 61, to col. 16, line 3; col. 13, lines 50-64). In the final Office Action, the Examiner asserts that redirecting

to a Filter Module within a server requires redirecting to a server, i.e. the server containing the Filter Module to be redirected to. The Examiner further asserts that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

First, contrary to the Examiner's assertion in the final Office Action, redirecting to a
 5 Filter Module within a server does not require redirecting to a server since the Filter Modules 112 are *located in the same machine* as the component(s) performing the redirection (the Broker Request Processor 104; see, col. 15, lines 44-60).

In addition, Applicants note that the term "file type" is well understood in the art to refer to the type of data in the file (e.g., text, image, or video) and the format of the file (e.g., jpeg,
 10 gif, and html). In addition, the present invention defines file types with large mean sizes to be "*heavy file types*" (see, page 3, lines 26-28, of the originally filed disclosure). The present invention teaches for example, that, "generally, the file type list is analyzed to detect and separate requests that are likely to incur a response that is significantly larger than the average file size, referred to herein as '*heavy file types*.'" (Page 7, lines 1-3, of the originally filed disclosure; emphasis added.) In the
 15 text cited by the Examiner, Braddy teaches that "the *request type* is used to determine the *appropriate type of Filter Module 112* of the preferred embodiment to associate, or map, to the request." (Col. 15, lines 56—59; emphasis added.) Braddy further teaches that "a Filter Module 112 is a server side plug-in *software module* that handles the processing of the request." (Col. 21, lines 14-16.) Filter Modules 112 are not servers but are components of, for example, the Request
 20 Broker 90 (see, FIG. 7) and, as previously noted, the Filter Modules 112 are located in the same machine as the Broker Request Processor 104 (see, FIG. 7). Thus, Braddy does *not* disclose or suggest redirecting a web resource request to a *proxy server*. Applicants could also find no disclosure or suggestion of this limitation in Yoakum. In addition, independent claims 1, 13, and 21 have been amended to require redirecting "said web resource request to a proxy server associated
 25 with said *heavy file type*." Braddy does not disclose or suggest heavy file types.

Thus, Braddy and Yoakum, alone or in combination, do not disclose or suggest redirecting said web resource request to a proxy server associated with said heavy file type, as required by independent claims 1, 13, and 21, as amended.

Regarding the Examiner's assertion that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references, Applicants note that the cited argument simply asserted that *none of the references* cited by the Examiner disclosed or suggested the cited limitation (as described above). Thus, the cited claims cannot be rejected based on such a combination of references.

Regarding claims 7, 17, and 22, the Examiner asserts that Sharma discloses determining if said web resource request is served by a domain having a traffic volume that exceeds a predefined threshold; and redirecting said web request to a server associated with said domain. In the final Office Action, the Examiner maintains that the number of threads taught by Sharma to support the existing and new clients equates to traffic volume and that the minimum threads equates to a predetermined threshold.

Applicants maintain, however, that Sharma does not teach determining if said web resource request is served by a domain having a traffic volume that exceeds a predefined threshold, since this would require a comparison of the traffic volume and a threshold. Contrary to the Examiner's assertion, the number of threads that support the existing and new clients does *not* equate to traffic volume. For example, a small number of threads with a large amount of traffic per thread could have a larger amount of traffic volume than the predefined threshold, and a large number of threads with a small amount of traffic per thread may have a smaller amount of traffic volume than the predefined threshold. Thus, the number of threads is simply a count of the threads and is *not* equivalent to traffic volume, as would be apparent to a person of ordinary skill in the art. Similarly, a minimum number of threads is *not* equivalent to a predetermined threshold (as is defined in the present disclosure) that is suitable for comparing traffic volume. Independent claims 7, 17, and 22, require determining if said web resource request is served by a domain having a *traffic volume* that exceeds a *predefined threshold*; and redirecting said web resource request to a proxy server associated with said domain.

Thus, Sharma et al. do not disclose or suggest determining if said web resource request is served by a domain having a traffic volume that exceeds a predefined threshold; and redirecting said web resource request to a proxy server associated with said domain, as required by independent claims 7, 17, and 22.

Additional Cited References

Gampper et al. were also cited by the Examiner for disclosing a proxy cache system for saving files of a predetermined minimum size and greater into secondary storage in the cache (col. 6, lines 31-59). Gampper et al. is directed to a system, method, and program for caching files retrieved from a server over a network. (See, Abstract.) Gampper does not address the issue of redirecting web requests to proxy servers.

Thus, Gampper et al. do not disclose or suggest redirecting said web resource request to a proxy server associated with said heavy file type, as required by independent claims 1, 13, and 21, as amended, and do not disclose or suggest determining if said web resource request is served by a domain having a traffic volume that exceeds a predefined threshold; and redirecting said web resource request to a proxy server associated with said domain, as required by independent claims 7, 17, and 22.

Smith was also cited by the Examiner for disclosing the access requests in a distributed cache and the addition of a new proxy server into the network (FIG. 11; col. 18, lines 49-53). Smith does not address the issue of considering file type when redirecting web requests to a proxy server. In addition, although Smith considers load factor to assign some proxy servers proportionately more URL data objects, the load factor is “incorporated in the creation of the combined hash values” (col. 5, lines 25-28) and is thus performed *prior to receiving the web resource request*.

Thus, Smith does not disclose or suggest redirecting said web resource request to a proxy server associated with said heavy file type, as required by independent claims 1, 13, and 21, as amended, and does not disclose or suggest determining if said web resource request is served by a domain having a traffic volume that exceeds a predefined threshold; and redirecting said web resource request to a proxy server associated with said domain, as required by independent claims 7, 17, and 22.

Yoakum et al. were also cited by the Examiner for disclosing a request that is passed to subsequent proxy servers which performs a database look-up to determine if a message can be fulfilled. Applicants note that Yoakum is directed to a system for implementing a real-time

distributed, hierarchical database using a proxiabile protocol (see, Abstract). Yoakum does not address the issue of considering file type when redirecting web requests to a proxy server.

Thus, Yoakum et al. do not disclose or suggest redirecting said web resource request to a proxy server associated with said heavy file type, as required by independent claims 1, 13, and 21, as amended, and do not disclose or suggest determining if said web resource request is served by a domain having a traffic volume that exceeds a predefined threshold; and redirecting said web resource request to a proxy server associated with said domain, as required by independent claims 7, 17, and 22.

Jordan was also cited by the Examiner for its disclosure of a method for load balancing proxy cache servers by forwarding requests. Applicant notes that Jordan is directed to load balancing among cooperating cache servers and in particular to load balancing based on load conditions and a frequency that requests are forwarded from cooperating cache servers (col. 1, lines 6-9). Jordan does not address the issue of considering file type when redirecting web requests to a proxy server.

Thus, Jordan does not disclose or suggest redirecting said web resource request to a proxy server associated with said heavy file type, as required by independent claims 1, 13, and 21, as amended, and does not disclose or suggest determining if said web resource request is served by a domain having a traffic volume that exceeds a predefined threshold; and redirecting said web resource request to a proxy server associated with said domain, as required by independent claims 7, 17, and 22.

Dependent Claims 2-6, 8-12, 14-16 and 18-20

Dependent claims 3 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Braddy in view of Yoakum et al., claims 2, 4, 5, 14, and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Braddy and Yoakum in further view of Gampper et al., claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Braddy and Yoakum in further view of Smith, claims 8-11, 18, (19), and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sharma et al. in view of Jordan, and claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sharma and Jordan in further view of Smith.

Claims 2-6, 8-12, 14-16 and 18-20 are dependent on claims 1, 7, 13, and 17,

respectively, and are therefore patentably distinguished over Braddy, Yoakum et al., Gampper et al., Smith, Sharma et al., and Jordan (alone or in any combination) because of their dependency from amended independent claims 1, 7, 13, and 17 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

5 If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

 The Examiner's attention to this matter is appreciated.

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Respectfully submitted,



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